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Testimony

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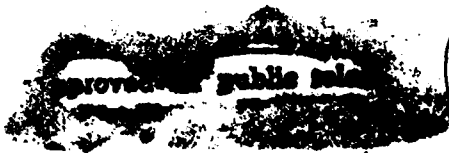
For Release  
on Delivery  
Expected at  
10 a.m.  
Friday  
March 30, 1990

Issues to Consider in Consolidating  
the Library Police Force With the Capitol  
Police Force

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JUN 29 1994  
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Statement of  
Brian P. Crowley  
Director of Planning and Reporting  
Accounting and Financial Management Division

Before the  
Subcommittee on Legislative Branch  
Committee on Appropriations  
United States Senate



94-19640



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Mr. Chairman and Members of the Subcommittee:

I am pleased to present to you the preliminary results of our review of the issues to be considered regarding the possible consolidation of the Library Police Force with the Capitol Police Force. We made the review pursuant to the Senate's report on the fiscal year 1990 Legislative Branch Appropriations bill.

My statement today discusses a number of issues that need to be addressed should a consolidation take place. I would like to point out, however, that the timing of any consolidation is very important. As we stated to the Subcommittee last week, the Capitol Police presently operate under a dual pay and administrative system. Some Capitol Police are on the House payroll and the rest are on the Senate payroll. There are large differences in the way in which each is administered. In our view, it would be prudent to resolve these differences before consolidating with the Library Police. Regardless of whether a consolidation occurs, we have also identified a number of actions that the Librarian should consider taking to reduce the cost of operating the Library Police.

But before I discuss these issues, I would like to provide some background information.

## BACKGROUND

On August 4, 1950, legislation was passed (Public Law 81-659) which authorized the Librarian of Congress to designate employees of the Library as special policemen for duty in connection with the policing of the Library of Congress buildings, grounds, and adjacent streets. This legislation also granted authority to the special police to enforce, and make arrests for, violations of laws and regulations within the Library of Congress' buildings and grounds. Additional legislation approved in 1987 (Public Law 100-135) changed the name of the special police to the Police, and mandated that rank structure and pay for such employees would be made identical to that of the Capitol Police over a four-year period. The Library Police Force currently has 142 authorized positions with an on-board complement of 120 sworn officers.

The much larger Capitol Police is charged with protecting the Congress and its staff, buildings, and visitors and regulating traffic within and around Capitol grounds. It has a current strength of 1,308 employees, of which 1,235 are sworn officers and 73 are civilians.

## ISSUES RELATED TO POSSIBLE CONSOLIDATION

We would like to bring to your attention four issues that we believe need to be addressed if a consolidation of the Library and

Capitol Police were to take place. These issues concern the Librarian of Congress' authority for protecting the Library, union representation of some Library Police members, compensation and benefits available to the Library Police, and the training of the Library Police.

#### Librarian's Authority for Security

The Librarian of Congress is statutorily authorized to designate employees as police and to prescribe regulations to provide adequate protection of the Library buildings and grounds and of all persons and property within the Library. The Librarian has used the Library Police to provide such protective services since 1950.

If the Library Police were consolidated with the Capitol Police, the question of whether the Librarian should continue to have legal authority to designate employees as police should be addressed.

#### Union Representation

Library Police privates are represented by union Local 2477 of the American Federation of State, County and Municipal Employees (AFSCME). Neither other Library Police officers nor any of the Capitol Police have union representation. The Counsel to the Capitol Police has taken the position that the Capitol Police Board is

legally prohibited from recognizing a collective bargaining unit such as Local 2477 without express authorization from the Congress.

Although all 106 Library Police privates are represented by AFSCME, only about 10 percent are dues-paying members. We do not know whether the privates or AFSCME would take any action to oppose the consolidation if it would mean the loss of recognition of Local 2477 as the collective bargaining unit for the Library Police privates.

#### Compensation and Benefits

Under the category of compensation and benefits, there are a few issues to consider regarding pay, leave, retirement, and promotion status.

##### Pay

Presently, Library Police are paid less than Capitol Police of similar rank. This disparity, however, will be eliminated in October 1990, when the Library Police will receive the last pay increase mandated by Public Law 100-135, to achieve pay parity between the two police forces. But one administrative problem remains.

As we testified before this Subcommittee last week at the Capitol Police Board appropriation hearing, the Capitol Police operate under a dual pay system. In the event of a consolidation, it is not clear how a determination would be made regarding which police on the Library payroll would be put on the Senate payroll and which would be placed on the House payroll. This decision would affect how often they are paid, and also has leave and retirement implications as well.

#### Annual Leave

Under current Capitol Police policy, annual leave earned by the Library Police can not be transferred to the Capitol Police, which has a different leave system. Should a consolidation occur, some provision would need to be made to either allow the leave transfer or to make a lump-sum payment for any annual leave accrued. Also, the Capitol Police do not give credit for previous federal service when determining an individual's annual leave accrual category (usually determined on the basis of longevity) unless an exception is authorized by the Capitol Police Board. Most Library Police members are earning more than the minimum annual leave--13 days each year--that they would earn as new Capitol Police Force members.

#### Retirement

Library Police officers contribute 7 percent of their salaries

towards retirement. Capitol Police officers, as congressional employees, contribute an additional 1/2 percent towards retirement and, as a result, receive an increased annuity. An individual must contribute this extra amount for 5 years before receiving the increased annuity. At least 20 percent of the Library Police will be eligible to apply for retirement within 5 years. If the Library Police were consolidated with the Capitol Police, those Library Police officers who retire before this 5-year period would receive no benefit from an extra 1/2 percent contribution.

#### Promotion Status

Because of complaints regarding the fairness of the Library Police promotion process, an agreement was reached with the complainants in 1982 that no supervisory promotions would be made until a validated selection process was established, and that the promotions would be offered only to Library Police members. The Library Police have not had any supervisory promotions since 1982 because of extensive delays in developing the selection process. Presently, seven supervisory positions have not been filled because of these delays. A determination of whether supervisory vacancies should be filled and by whom should be made prior to a consolidation.

#### Training

The Library frequently hires individuals with extensive police

experience for its police force. If a person does not have sufficient prior police experience, he or she is sent to the Federal Law Enforcement Training Center. But the Library Police do not have an in-service training program. The Capitol Police generally hire younger, less experienced individuals who are all sent to the Training Center. This initial training is then supplemented with in-service training.

Capitol Police officials have stated that they believe the Library Police are not trained as well as the Capitol Police. Therefore, if a consolidation took place, Library Police most likely would not be assigned duties outside the Library until they received appropriate training.

#### OTHER ISSUES

In reviewing a transcript of the Subcommittee's hearings on the Library for fiscal year 1990, it appeared to us that the Subcommittee was concerned about the cost of maintaining the Library Police, particularly with regard to funds requested to hire additional officers and to train the Library Police. Even without a consolidation of police forces, there are two cost-saving steps the Librarian could consider in an effort to meet security responsibilities which may require less funds than he requested last year.

One such step would be to consider using civilian employees not trained as law enforcement police to perform some duties currently performed by Library Police. In a recent management review of the Library of Congress, Arthur Young and Company recommended that the Library determine if the security function can be most efficiently and effectively performed by police, civilians, or a combination of both. It cited an example where the New York Public Library uses civilians and special police to provide protective services. As discussed before this Subcommittee last week, we believe the use of civilians can result in cost savings.

Second, with regard to training, the Library does not maintain an in-service training program for its police force, and requested additional funds last year to provide training. While the Library does use the pistol qualification course offered by the Capitol Police, the Librarian could examine the possibility of making use of additional Capitol Police training courses. The Commander of the Capitol Police Training Division has expressed a willingness to offer other Capitol Police training courses to the Library Police.

Upon completion of our review, we will issue a report discussing in greater detail issues to be considered in assessing the feasibility of consolidating the Library and Capitol Police Forces, and our suggestions regarding the consolidation of the forces.

Mr. Chairman, this concludes my remarks. I will be happy to answer any questions you or other members of the Subcommittee may have.